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URBAN/MUNICIPAL

INSTRUCTIONS TO APPLICANTS -
CLOSURE OF PUBLIC HIGHWAYS,
STREETS, ALLEYS AND WALKWAYS

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INSTRUCTIONS TO APPLICANTS

FOR

THE CLOSURE OF PUBLIC HIGHWAYS

STREETS, ALLEYS AND WALKWAYS

IN THE CITY OF HAMILTON

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GOVERNMENT DOCUMENTS


INITIATION OF APPLICATION

1. Make application to Transportation Engineering Services giving all pertinent details of the street, alley or walkway to be closed. Enclose a sketch showing the extent of the closure requested.

ADDRESS: The Regional Municipality of Hamilton-Wentworth
Department of Engineering
71 Main Street West
Hamilton, Ontario
L8N 3T4

Att: Transportation Engineering Services

2. Enclose with the letter of application a deposit of \$200.00. (This \$200.00 is necessary to cover the administrative cost of researching the history of the street, alley, or walkway, determining the extent of public and private utilities that may have been constructed, advertising and notification of area owners and occupants who may be affected by the proposed closure). Make cheque payable to the Regional Municipality of Hamilton-Wentworth.
3. The application will be processed by Transportation Engineering Services staff who can be contacted at 526-4279. They can advise as to the progress of the application, any difficulties or additional expenses that may be involved and the likely date of it being considered by the Transport and Environment Committee.
4. Applicants should be fully cognizant that a successful application to close any street, alley or walkway will result in:
 - a) Expenses for legal and surveying costs in addition to the \$200.00 application fee; and
 - b) Possible expense in the relocation or removal of sewer, water and gas mains, telephone and hydro lines. (Determined prior to reporting to the Transport and Environment Committee).
 - c) Possible cost at market value of the lands to be conveyed.
5. If the additional expenses or difficulties are such that the applicant does not wish to proceed with the application, it may be withdrawn prior to a report being forwarded to the Committee. In these circumstances, a portion of the original \$200.00 deposit may be refunded.



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6. Once the Transport and Environment Committee and City Council have approved the closure of the street, alley or walkway there is no refund of any portion of the \$200.00 deposit. However, if the Transport and Environment Committee turns down the application for closure, \$150.00 of the \$200.00 deposit will be refunded.

CLOSURE BY BY-LAW

1. A street, alley or walkway must be closed by by-law if an expenditure of public funds has occurred for its improvement.
2. The Transport and Environment Committee upon approval of the closure will set certain conditions. They will include the preparation of a plan, real estate costs and utility costs.
3. Plan Costs - The applicant must engage an Ontario Land Surveyor to prepare a Reference Plan and deposit same in the Land Registry Office. The Plan will show the extent of the street, alley or walkway to be closed and the manner in which it will be divided between the abutting owners. This plan must be forwarded to the City Surveyor for approval. Contact the City Surveyor, at 526-2762 for further information.
4. Real Estate Costs - The Committee will also request the Finance Committee to set a price for the sale of each part of the street, alley or walkway to the abutting owners. Owners will be contacted by the City Real Estate Department with respect to the value placed on the lands and from this point on it becomes a simple real estate transaction, for which the owners will probably require the services of a solicitor.
5. Utility Costs - The applicant must satisfy the requirements of any utility company or the Regional Municipality of Hamilton-Wentworth as regards the disposition of their existing services.
6. Legal - Once all the foregoing conditions have been fulfilled the applicant must notify the City Solicitor's Department which will proceed with the By-Law and all subsequent legal requirements and documentation.

CLOSURE BY JUDGE'S ORDER

1. Most alleys are closed by Judge's Order.
2. The Transport and Environment Committee upon approval of the closure will set certain conditions. They will include preparation of a plan, utility costs and legal costs.
3. Plan Costs - The applicant must engage an Ontario Land Surveyor to prepare a Reference Plan and deposit same in the Land Registry Office. The plan will show the extent of the street, alley or walkway to be closed and the manner in which it will be divided between the abutting owners. This plan must be forwarded to the City Surveyor for approval. Contact the City Surveyor, at 526-2762 for further information.

4. Utility Costs - The applicant must satisfy the requirements of any utility companies or the Regional Municipality of Hamilton-Wentworth as regards the disposition of their existing services.
5. Legal Costs - The applicant must engage a solicitor to prepare the documentation and to appear before the judge. This documentation must be complete and is subject to the City Solicitor's approval.
6. Once the order is given by the Judge, each abutting owner is entitled to a deed, prepared by the City Solicitor covering that portion of the street, alley or walkway abutting their property to the centre line of the street, alley or walkway. There is no cost to the applicant for the preparation of the deed and the land is conveyed at no cost.

Dated: 82 02 03

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